

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Company/Mine: Moon Mountain Stone/Cloudy Moon Quarry
 Permit #: S0370116

Violation MN2007-03-09

SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- | | | |
|-------------------------------------|----|----------------------------------------------------------------|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input checked="" type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The regulation violated is designed to prevent sites from being abandoned and to prevent danger to the public or off site environmental degradation. These could result from a mine that is inactive for an extended period of time. The operator also did not pay permit fees for 2007-2008 which is not an event violation.

2. Has the event or damage occurred? Probably not.
 If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Potential detrimental impacts of leaving a site unreclaimed for an extended period include erosion and offsite sedimentation, weed invasion, and danger to the public. The site has been in its current condition for about five years, and I have not seen much sign that any of these problems have occurred. The greatest potential danger is for the site to be abandoned. Since the Trust Lands Administration holds a reclamation surety, I consider the probability of one of these events occurring to be unlikely.

3. Did any damage occur as a result of the violation? No.
4. If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM

inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: If the Division did not require the operator to reclaim, the worst case would be for the operator to abandon the site. Even if the area was abandoned and not reclaimed, there would not be a lot of damage because the site is small and there is not a lot of disturbance. Since the Trust Lands Administration holds a reclamation surety, and since this surety is probably adequate for reclamation of the site, it is unlikely there would be any damage.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: On September 19, 2007, the Division sent the operator by certified mail a letter requiring that reclamation be completed by November 19, 2007. The Division received the undated return receipt on October 1, 2007. There has been no request from the operator to extend the time for finishing reclamation.

Reclamation should not be particularly difficult. It will entail removing a few pallets, spreading a small amount of overburden, possibly moving a few rocks, scarifying the surface, and seeding.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

Was any economic benefit gained by the operator for failure to comply? Yes
If yes explain.

Explanation: The only economic gain is that the operator did not spend money to conduct reclamation. There were no operations where the operator removed or sold stone.

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation is not yet abated.

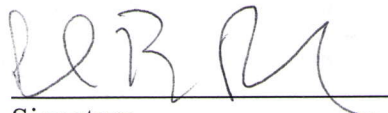
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? _____ If yes, explain.

Explanation: _____

Paul B. Baker
Authorized Representative


Signature

December 24, 2007
Date